

PROB 12C
(7.93)

Report Date: December 11, 2009

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEC 14 2009

JAMES R. LARSEN

DEPUTY

SPOKANE, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: John Carl Franciullo

Case Number: 2:07CR02085-001

Address of Offender:

Yakima, WA 98902

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 3/19/2008

Original Offense: Receipt of Explosive Materials by Prohibited person, 18 U.S.C. § 842 (I)

Original Sentence: Prison - 6 Months; TSR - 36 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: TBD Date Supervision Commenced: 4/9/2008

Defense Attorney: Diane E. Hehir Date Supervision Expires: 4/8/2011

PETITIONING THE COURT

To issue a warrant and to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 7/23/2008, and 8/26/2008.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
-------------------------	--------------------------------

4

Standard Condition # 2: The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first 5 days of each month.

Supporting Evidence: Mr. Franciullo has failed to submit his monthly report form for the months of October and November 2009.

On November 12, 2009, this officer conducted a home visit at the defendant's residence. The defendant was not home, instead I spoke with his roommate who advised the defendant was at his girlfriend's house. This officer left a message for the defendant to contact this officer. The defendant's roommate further indicated the defendant still resided at this residence.

On November 13, 2009, a late report letter was sent to the defendant's residence advising he failed to submit his monthly report form. A monthly report form was attached to this letter so the defendant could fill out the form and return it to this officer.

Prob12C

Re: Franciullo, John Carl
December 11, 2009
Page 2

On December 1, 2009, this officer called and spoke with the defendant by telephone and reminded him he had failed to submit his monthly report. The defendant advised for the past few weeks he has been ill. The defendant was instructed to report to the U.S. Probation Office and submit his monthly report form.

5 **Standard Condition # 3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: Mr. Franciullo failed to report to the U.S. Probation Office as instructed on December 1, 2009.

On December 1, 2009, this officer spoke with the defendant by telephone. The defendant was instructed to report to the probation office by 3:30 p.m. and to be prepared to submit to a drug test. Mr. Franciullo failed to report as instructed.

On December 10, 2009, this officer went to the defendant's residence and again he was not located. This officer left the defendant a message with his roommate instructing him to report to the U.S. Probation Office by 9:00 a.m. on December 11, 2009. His roommate stated he would make sure he received this message. Mr. Franciullo again failed to report as instructed.

6 **Special Condition # 18:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Franciullo failed to submit to random urinalysis testing at Merit Resource Services (Merit) on October 19, and November 19, 2009.

7 **Mandatory Condition # 6:** If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

Supporting Evidence: Mr. Franciullo has failed to pay his \$100 special assessment ordered by the Court as of December 11, 2009.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/11/2009

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

Prob12C

Re: Franciullo, John Carl

December 11, 2009

Page 3

THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- Other

John Carl

Signature of Judicial Officer

Dec 14 2009

Date